

MINUTES
PROTECTION & WELFARE COMMITTEE
Monday, September 9, 2013
City Hall, Room 207
5:00 p.m.

MEMBERS PRESENT: Ald. Steuer, Ald. Brunette, Ald. Boyce, and Ald. Tim De Wane
MEMBERS EXCUSED: None
MEMBERS ABSENT: None
OTHERS PRESENT: Jim Mueller—Asst. City Attorney, Capt. Runge, and other interested parties.

1. Roll Call.

Ald. Steuer, Ald. Brunette, Ald. Boyce, and Ald. Tim De Wane were present.

2. Approval of the Agenda.

A motion was made by Ald. Brunette and seconded by Ald. Tim De Wane to approve the agenda. Motion carried.

3. Approval of the minutes from the August 28, 2013 meeting.

A motion was made by Ald. Brunette and seconded by Ald. Tim De Wane to approve the minutes from the August 28, 2013 meeting. Motion carried.

4. Application for a "Class B" Combination License by The Roundabout LLC at 1264 Main Street (transfer from Buddies LLC).

The City Attorney's Office and Police Department had no objections.

A motion was made by Ald. Brunette and seconded by Ald. Tim De Wane to approve the application for a "Class B" Combination License by The Roundabout LLC at 1264 Main Street (transfer from Buddies LLC) with the approval of proper authorities. Motion carried.

5. Request by the owners of Back Yard Pub, 813 S. Broadway, to hold outdoor events on September 28 and October 5 and 12.

Atty. Mueller stated this request is similar to the one requested at the August 28 meeting and the City Attorney's office didn't have any objections.

Ald. Steuer opened the floor without objection.

Capt. Runge stated that Broadway District Community Police visited the site and reported that the outdoor event is completely fenced in and the only access is

through the bar. The music will end at 9:00 p.m. and will be directed away from residences. The Police Department does not have any objections.

A motion was made by Ald. Tim De Wane and seconded by Ald. Brunette to approve the request by the owners of Back Yard Pub, 813 S. Broadway, to hold outdoor events on September 28 and October 5 and 12. The approval of the request is subject to complaint. Motion carried.

6. Appeal by Tim Hyde to the denial of his Public Vehicle Operator License application.

Atty. Mueller reported the City Attorney's Office recommends denial due to the applicant's arrest and conviction record. Atty. Mueller stated that Mr. Hyde has a lengthy record and summarized the convictions of importance. In 2005, 2007, 2008 and 2010 Mr. Hyde was cited for unlicensed and unregistered vehicles; basically he was running a taxi cab company without being licensed. In 1989 he was convicted of a felony for manufacturing and distributing cocaine. In 1994 he was convicted as a felon for possession of a firearm; which was another felony. There are also numerous traffic convictions which substantially relates to the licensed activity.

Capt. Runge stated the Police Department also recommends denial for the same reasons stated above.

Ald. Steuer opened the floor without objection.

Tim Hyde, 1321 St. Claire Street, appeared and stated he currently owns American Shuttle and has been in the taxi cab business for ten years. Mr. Hyde claims when he was cited in 2005-2010 he owned Renegade Taxi and wasn't aware his drivers were not registering their vehicles. The City Council was trying to put him out of business by having his drivers pulled over all the time. Mr. Hyde stated all of these charges are from the past and have nothing to do with the present. When he was caught with the cocaine it was only one gram, and he had a legal hunting license and was deer hunting when he received the felony for carrying a firearm. Mr. Hyde doesn't think it's fair that he should be punished for the rest of his life for mistakes he made when he was in his twenties.

Ald. Steuer stated that as a business owner, Mr. Hyde should have been aware his employees were driving unregistered vehicles. Mr. Hyde replied that some of his drivers couldn't afford to do this and he was trying to be a nice guy and let them work to earn money to pay for it.

Ald. Steuer inquired what the procedure is to attain a taxi cab license. Atty. Mueller stated an application is filled out and a background check is done. Mr. Hyde stated that you have to pay for the background check; the picture for your license and the license itself, the cost is close to \$80.00. His employees can't

afford this, so he will let them drive without a license in order to earn the money to apply for the license.

Mr. Hyde stated the last time he had a taxi cab license was in 2004. He applied for another one approximately three years ago, was denied at that time and lost his appeal. He has held other jobs in the past, but likes being his own boss.

Ald. Steuer stated that Mr. Hyde claims he has changed but there are repeated patterns on his criminal record.

Atty. Mueller stated the Committee needs to look at the fact that Mr. Hyde is running a taxi cab business and having his employees driving illegally. The dilemma here is to grant him a license and believe he will follow the law when in the past he has allowed his employees to violate it.

Ald. Steuer stated we cannot allow cab companies to operate without licensed drivers. Ald. Steuer inquired how Mr. Hyde was even granted a license in the past considering the fact he was a two time felon.

Capt. Runge replied that approximately ten years ago the City Council changed their approval process for taxi cab drivers. Prior to the current process the licensee paid their fee, the license was granted through the Police Department without a background screening, and Common Council would grant final approval. The entire process changed when a cab driver sexually assaulted a passenger.

Ald. Steuer stated this Committee is in charge of the general safety of entire community. They must look at the criminal patterns of applicants to see if they have changed and are obeying the law. Ald. Steuer stated that he believes Mr. Hyde's pattern still shows disregard for the rules. Mr. Hyde is not taking responsibility as a business owner, he is not holding himself accountable, and blames his drivers for some of the charges against him.

Ald. Boyce stated he agrees with Ald. Steuer and believes Mr. Hyde has not changed his attitude at all.

Atty. Mueller reported that Mr. Hyde can still run his business without an operator license. Mr. Hyde stated he loses money if he can't drive because a lot of his profits go to pay his taxi cab drivers.

Ald. Steuer stated he doesn't feel comfortable to issue Mr. Hyde a public vehicle operator license at this time. Mr. Hyde inquired when a good time would be since he has been denied before. Ald. Steuer replied that he would like a full year to pass by without any further violations made by Mr. Hyde before approving him for a public vehicle operator license.

Scott Van Roy, 908 Day Street #3, appeared and stated was a past employee of Mr. Hyde. When he worked for Mr. Hyde everyone had a cab operator license. He stated everybody makes mistakes. Mr. Van Roy stated he has one felony for drunk driving and five other drunk driving mistakes and some probation violations. He came here today to speak on his own behalf and didn't have any prior knowledge that Mr. Hyde would even be here today. He recently applied for a cab license as well.

Mr. Hyde asked if he could appeal before the Common Council. Ald. Steuer informed him that he could. Mr. Hyde stated if he is denied he will still continue to drive because he has to pay his bills.

A motion was made by Ald. Boyce and seconded by Ald. Brunette to deny the appeal by Tim Hyde to the denial of his Public Vehicle Operator License application. Motion carried.

7. Appeal by Marvin Keys to the denial of his Public Vehicle Operator License application.

Atty. Mueller reported the City Attorney's Office recommends denial due to the applicant's arrest and conviction record. Atty. Mueller summarized Mr. Keys' record from 2002 through 2012 which included forfeitures and misdemeanor traffic and drug charges, and two felony drug charges.

Capt. Runge stated the Police Department also recommends denial for the same reasons.

Ald. Steuer opened the floor without objection.

Marvin Keys, 1607 Amy Street #3, appeared and stated a lot of the charges are from when he was driving without a license, but he has one now. These charges are all from the past and he hasn't received any more charges since he obtained a driver license. Mr. Keys stated he wants to drive a cab so he can be his own boss. He is not currently employed and is collecting disability.

Ald. Brunette stated that Mr. Keys has recent charges in 2012 for child seat violation and an unregistered vehicle, as well as a charge in 2008 for another child seat violation. Mr. Keys stated that the charge in 2008 occurred when a friend who had a child needed a ride home because it was raining and he didn't have a child's car seat. Mr. Keys stated he doesn't recall the 2012 charges at all.

Ald. Brunette stated that his main concern is that Mr. Keys needs to know that he is responsible for the well being of his passengers. Mr. Keys acknowledged that he understands this.

Ald. Tim De Wane stated that most of the charges are related to driving. He inquired what the 2007 disorderly conduct with a motor vehicle charge was for. Mr. Keys stated he doesn't recall.

Discussion continued on Mr. Keys other traffic and drug related charges. Mr. Keys stated that after he was released from prison he decided to change his life. A cab company recently hired him and they didn't have any problems with his background.

Ald. Steuer stated this Committee looks for accountability from Green Bay citizens; they must obey the laws and rules. Mr. Keys has 18 incidents which include two felonies; and even though these are past charges they mostly related to driving. Mr. Keys reported that since he received his driver license five years ago his record has been clean. Ald. Steuer replied that the Committee wants to give him the chance; however his record isn't clean, he has had numerous charges in the past five years.

Mr. Keys stated that he is doing the right thing by applying for a cab license instead of just going ahead and driving without one.

Ald. Brunette stated that the public votes for them and if they were to grant Mr. Keys a license and he has an accident in which people are injured, the public will want answers on why someone with his record was issued a license. The Committee needs to be accountable to the people who voted for them.

A motion was made by Ald. Boyce and seconded by Ald. Tim De Wane to deny the appeal by Marvin Keys to the denial of his Public Vehicle Operator License application. Motion carried.

8. Appeal by Robert Hillsberg to the denial of his Public Vehicle Operator License application.

Atty. Mueller reported the City Attorney's Office recommends denial due to the applicant's arrest and conviction record. Atty. Mueller summarized Mr. Hillsberg's record from 1991 through 2009 which included forfeiture and misdemeanor traffic charges; forfeiture for worthless checks; misdemeanor disorderly conduct charge; and a felony for manufacturing and delivery of non-narcotics.

Capt. Runge stated the Police Department also recommends denial for the same reasons.

Ald. Steuer opened the floor without objection.

Robert Hillsberg, 1187 Oregon Street, appeared and stated that in 1991 a friend asked if he could get him some marijuana. He didn't know that this friend was

actually working with the police because he got into some trouble with the law. In 2000 he couldn't afford to get his vehicle registered and was charged for that. He also was charged for failing to stop at a railroad crossing, at that time the lights were flashing but the arms weren't down in position so he crossed anyhow.

Mr. Hillsberg stated he is unemployed at this time. He was fired from a gas station for unknown reasons, and his unemployment ran out about five weeks ago. He was offered a job at Tundra Valley Taxi. Mr. Hillsberg stated the owner of Tundra Valley wanted to be here today but he is out of town; however his mother is here to speak on his behalf.

Beth Hillsberg, 1185 Oregon Street, appeared and stated she has been helping her son's living expenses because he was denied unemployment. At one point they thought about purchasing a vehicle for him so he could run his own cab company. Mrs. Hillsberg stated that it is hard for someone with a record to find employment.

Ald. Brunette stated that Mr. Hillsberg appears to take accountability for his actions and he will recommend approving his application. Ald. Boyce stated that Mr. Hillsberg should bring letters of recommendation from his employer and friends to the Common Council meeting.

A motion was made by Ald. Brunette and seconded by Ald. Tim De Wane to approve the appeal by Robert Hillsberg to the denial of his Public Vehicle Operator License application. Motion carried.

9. Appeal by James E. Robinson to the denial of his Public Vehicle Operator License application.

Atty. Mueller reported the City Attorney's Office recommends denial due to the applicant's arrest and conviction record. Atty. Mueller summarized Mr. Robinson's record which included forfeiture for speeding in 2010, and a misdemeanor in 1996 for intimidating a witness as well as felonies for armed robbery and false imprisonment.

Capt. Runge stated the Police Department also recommends denial for the same reasons.

Ald. Steuer opened the floor without objection.

James Robinson, 4833 N. County Road P, appeared and stated that he was the get-away driver at a robbery in Green Bay and there is no excuse to justify what he did. During the preliminary hearing the clerk of the store that was robbed pointed at him and stated that he was the gunman. This raised his bond from \$25,000 to \$50,000. Although this statement was proved to be false, it upset him at the time and he said, "You lie, you lie!"; however they believed he was saying

"You die, you die!" and felt he was threatening them and that is why he was charged for intimidating a witness. He acknowledges that the clerk suffered from his actions. He has since made amends with the store manager. He was sentenced to seven years in prison for his actions. He has had employment since his release from prison. Due to pain he is experiencing from a past traffic accident he is trying to get disability but has been denied.

Ald. Brunette stated that he appreciates Mr. Robinson being honest about his past and for holding himself accountable for his past actions and will recommend approval. He encouraged Mr. Robinson to provide letters of recommendation to the Common Council meeting.

A motion was made by Ald. Tim De Wane and seconded by Ald. Boyce to approve the appeal by James E. Robinson to the denial of his Public Vehicle Operator License application. Motion carried.

10. Appeal by Lita Zimmer to the denial of her Operator License application.

Atty. Mueller reported the City Attorney's Office recommends denial due to the applicant's arrest and conviction record. Atty. Mueller summarized Ms. Zimmer's record which included in 2008 a felony for operating a vehicle without consent, misdemeanor charges of theft of a moveable property greater than \$2,500, and resisting and obstructing an officer; and in 2007 a misdemeanor theft of a moveable property greater than \$2,500, and a forfeiture theft.

Capt. Runge stated the Police Department also recommends denial for the same reasons.

Ald. Steuer opened the floor without objection.

Lita Zimmer, 1406 Smith Street, appeared and distributed a letter of support from her employer at Pit Row. She has been employed at the gas station for approximately a month. Ms. Zimmer stated the theft in 2007 was for a bucket of quarters at a laundry mat. In 2008 her friends talked her into stealing a vehicle. She wishes she never made these mistakes and does not hang out with these friends any more.

Ald. Brunette stated he believes she was immature when she made these mistakes and he thinks she should get a second chance. He encouraged her to bring additional letters of recommendation to the Common Council meeting.

A motion was made by Ald. Brunette and seconded by Ald. Tim De Wane to approve the appeal by Lita Zimmer to the denial of her Operator License application. Motion carried.

11. Appeal by Roger Lhost to the denial of his Operator License application.

Atty. Mueller reported the City Attorney's Office recommends denial due to the applicant's arrest and conviction record. Atty. Mueller summarized Mr. Lhost's record which included a 1989 misdemeanor retail theft, a 1986 felony charge for battery, 1984 and 1985 criminal damage to property; 1985 violation for controlled substance act; and a 1976 felony for rape.

Capt. Runge stated the Police Department also recommends denial for the same reasons.

Ald. Steuer opened the floor without objection.

Roger Lhost, 1400 N. Baird, Lot 34, appeared and stated that his girlfriend owns a bar and he needs a license to cover for her when she goes on vacation for two weeks a year. He previously owned three bars in 1978 with his wife. The battery charge in 1986 was for hitting a woman and he served 2-1/2 years for that. He states he was falsely charged with rape and served 3 years for that. He is not employed at this time.

Ald. Steuer closed the floor without objection.

Ald. Brunette stated he feels uncomfortable issuing a license for more than the two weeks Mr. Lhost will be working at this particular establishment. Atty. Mueller stated that restrictions cannot be placed on operator licenses, such as placing a time-frame or working at a specific location on the licensee.

Ald. Steuer stated the charges are from a long time ago and feels Mr. Lhost was upfront and honest when he related the charges.

A motion was made by Ald. Tim De Wane and seconded by Ald. Steuer to approve the appeal by Roger Lhost to the denial of his Operator License application. Motion to approve the appeal failed for lack of majority, tied two-two. No Recommendation.

A motion was made by Ald. Tim De Wane and seconded by Ald. Steuer to adjourn the meeting at 6:33 p.m. Motion carried.

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